

APR 10 2007

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TO: Office of Petitions - United States Patent and Trademark Office

Fax No. (571) 273-8300

FROM: Stephen T. Murphy (Typed or printed name of person signing Certificate)

Fax No. (513) 627-0318

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Application No.: 09/786,078

Inventor(s): Connor et al.

Filed: Feb 28, 2001

Docket No.: 7262L\$

Confirmation No.: 8483

FACSIMILE TRANSMITTAL SHEET AND**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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Listed below are the item(s) being submitted with this Certificate of Transmission:**

- 1) Petition to Withdraw Application from Issue Petition under 37 C.F.R. 1.313(c) – 2 pgs
- 2) Copy of Grant of Petition – 2 pgs
- 3) Copy of Examiners Communication – 2 pgs
- 4) Copy of Supplemental IDS & SB08 dated April 28, 2005 – 3 pgs
- 5) Copy of Supplemental IDS & SB08 dated Jan. 7, 2005 – 3 pgs
- 6) RCE transmittal – 1 pg
- 7) Information Disclosure Statement w/SB08 – 4 pgs
- 8) 1 copy of foreign patent WO 97/38956 – 16 pgs

Number of Pages Including this Page: 34 pgs.

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CINCINNATI OH 45253-8707

DOCKETING	
FILED	DEC 13 2005
FAX	<input checked="" type="checkbox"/> MAIL

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DEC 13 2005

OFFICE OF PETITIONS

In re Application of :
Connor et al. : ON PETITION
Application No. 09/786,078 :
Filed: 28 February, 2001 :
Atty Docket No. 7262/MH :

This is a decision on the petition filed on 7 December, 2005, under 37 CFR 1.137(a), which is treated as a petition to withdraw the holding of abandonment.

The petition is GRANTED.

The application became abandoned on 20 October, 2004, for failure to timely file the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 19 July, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 13 December, 2004.

Petitioners assert that the Notice mailed on 19 October, 2004, was never received.

A review of the record reveals that on 9 July, 2001, a paper entitled "Request For Correction of Filing Receipt" was filed, signed by attorney of record Richard S. Echler, indicating that the correspondence address on the filing receipt was incorrect and requesting that the correspondence address be changed. However, the requested change of correspondence was not entered. As the paper filed on 9 July, 2001, meets the requirements of MPEP 601.03 for a change of correspondence address, it is concluded that the Notice of Allowance mailed on 19 July, 2004,

Application No. 09/786,078

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was never received because it was not mailed to the correct address.

In accordance with the above finding, the holding of abandonment is withdrawn, and the Notice of Abandonment mailed on 13 December, 2004, is vacated.

Receipt of the issue fee is acknowledged. As the petition was necessitated by an Office error, the petition fee will be credited to counsel's deposit account, No. 16-2480.

The application is being referred to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,078	02/28/2001	Daniel Stedman Connor	7262/MH	8483

7590 02/13/2007
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CENTRAL DOCKETING		EXAMINER	
DATE REC'D: FEB 21 2007		MRUK, BRIAN P.	
ATTY/A&T CONTACT: STM/SDW		ART UNIT	PAPER NUMBER
<input checked="" type="checkbox"/> FAX <input checked="" type="checkbox"/> MAIL <input type="checkbox"/> FILE		1751	
		MAIL DATE	DELIVERY MODE
		02/13/2007	PAPER

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/786,078	02/28/2001	CANNON	7262/MH
EXAMINER			
BRIAN MPRUK			
ART UNIT		PAPER	
1751		20070207	

DATE MAILED:

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Commissioner for Patents

The information disclosure statements filed 1/7/05 and 4/28/05 fail to comply with 37 CFR 1.97(d) because they lack a statement as specified in 37 CFR 1.97(e). They have been placed in the application file, but the information referred to therein has not been considered.

Brian P. Mruk
Brian P Mruk
Primary Examiner
Art Unit: 1751

PTO-90C (Rev. 04-03)